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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,126	02/10/2004	Alejandro Kornijenko	AVK 0101 PRV	2125
27256	7590	07/05/2005	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH RD. SUITE 250 SOUTHFIELD, MI 48034			JULES, FRANTZ F	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,126

Applicant(s)

KORNIJENKO, ALEJANDRO

Examiner

Frantz F. Jules

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-20 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the recitation of "a common external edge between said front portion and said back portion, said external edge comprising an ornamental spinning portion" must be shown or the feature(s) canceled from the claim(s). The drawing shows reference number 34 in fig. 1 as external edge which is pointed to the inside of the back flange. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

Art Unit: 3617

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the recitation of "a common internal edge comprising a roll surface" in claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Art Unit: 3617

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, lines 6-8, the phrase "a common external edge between said front portion and said back portion, said external edge comprising an ornamental spinning portion" is confusing as it is unclear which particular structure applicant is referring to by a common external edge when the specification uses reference No. 34 which is pointed to to an internal hole of a port supporting the roll pins.

In claim 10, line 15-17, the phrase "a common external edge between said second front portion and said second back portion, said external edge comprising an ornamental spinning portion" is confusing as it unclear which particular structure applicant is referring to when no ornament is shown in the external edge 45.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 4-6, 8 are rejected under 35 U.S.C. 102(e)(1) as being anticipated by Odell (2005/0062335 A1).

Odell discloses an attachment section for an internal spinning system comprising a front portion, a flange (14a) extending outwardly from said front portion in a substantially perpendicular manner, at least one bearing (18, 20) rotatably coupled to said flange in a substantially parallel manner such that said at least one bearing defines a roll support surface substantially perpendicular to said front portion, and a back portion (16) adapted to couple to a wheel, said back portion opposing said front portion, wherein said back portion and said front portion define a plurality of bolt holes.

Odell also discloses a spinning section for an internal spinning system positioned between an external portion of a rim and a rotor comprising a front portion; a back portion opposing said front portion, a common external edge (12) between said front portion and said back portion, said external edge comprising an ornamental spinning portion, and a substantially circular common internal edge comprising a roll surface.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3617

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 4-6, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Whiteman (US 2,997,344).

Whiteman discloses an attachment section for an internal spinning system comprising a front portion, a flange (23) extending outwardly from said front portion in a substantially perpendicular manner, at least one bearing (29) rotatably coupled to said flange in a substantially parallel manner such that said at least one bearing defines a roll support surface substantially perpendicular to said front portion, and a back portion (15) adapted to couple to a wheel, said back portion opposing said front portion, wherein said back portion and said front portion define a plurality of bolt holes.

wherein said at least one bearing is adapted to roll at least one of clockwise or counterclockwise or both clockwise and counterclockwise in accordance with claims 4-5.

Whiteman also discloses a spinning section for an internal spinning system positioned between an external portion of a rim and a rotor comprising a front portion (30); a back portion (A) opposing said front portion, see attached sketch, a common external edge (B) between said front portion and said back portion, said external edge comprising an ornamental spinning portion (32), and a substantially circular common internal edge comprising a roll surface which house the bearing 29.

The common internal being rotatably coupled to an attachment section coupled to the rotor in accordance with claim 8.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whiteman (US 2,997,344) in view of Achinami et al (US JP 2001032849 A).

Whiteman teaches all the limitations of claim 6 except for a noise dampener covering at least a portion of a roll surface receiving a bearing. The general concept of providing a noise dampener covering at least a portion of a roll surface receiving a bearing is well known in the art as illustrated by Achinami et al which discloses the teaching of a noise dampener covering at least a portion of a roll surface receiving a bearing (1a). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Whiteman to include the use of a noise dampener covering at least a portion of a roll surface receiving a bearing in his advantageous spinning section as taught by Achinami et al in order to reduce noise in the spinning section while reducing breakdown in the system.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whiteman (US 2,997,344) in view of Yuan (6,848,751).

Whiteman teaches all the limitations of claim 9 except for a spinner comprising at least one rotation inhibitor. The general concept of providing a rotation inhibitor to a spinner is well known in the art as illustrated by Yuan which discloses the teaching of a rotation

Art Unit: 3617

inhibitor constituted by the weight (26) added to the spinner. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Whiteman to include the use of a rotation inhibitor to the spinner as taught by Yuan in order to take advantage of the wheel as an advertising device.

Allowable Subject Matter

13. Claims 10-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. None of the references of record suggests an internal spinning system for a wheel including a rotor and a rim comprising an annular attachment section comprising a flange extending outwardly from the first portion and away from the rotor, wherein a common external edge between a second front portion and a second back portion comprises an ornamental spinning portion, a plurality of bearings coupled to at least one of said annular attachment section, wherein said annular spinning section rotates as a function of said plurality of bearings in the manner defined in the instant claim 9 and in combination with other limitations of the claim.

14. Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 272-

Art Unit: 3617

6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules
Primary Examiner
Art Unit 3617

FFJ

June 16, 2005

**FRANTZ F. JULES
PRIMARY EXAMINER**

